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LETTER DATED 29 OCTOBER 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 29 October 1997 addressed to you by Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, calling attention to the fact that violations of Iraq's airspace by Turkish military aircraft are continuing and urging the United Nations to meet its responsibilities as laid down in the Charter and halt the intimidation and aggression to which Iraq is constantly being subjected.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative

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Annex

Letter dated 29 October 1997 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

Further to my letter of 21 August 1997 (S/1997/664, annex), I should like to call your attention to the fact that the Turkish encroachments on Iraq's territory and airspace are still recurring, as exemplified by the aerial violations being committed by Turkish fighter aircraft in northern Iraq.

A total of 38 such violations were committed between 14 August and 19 October 1997.

In informing you of these violations, of which details are given in the list enclosed herewith, I should like to convey to you a strong protest at the acts and abuses being perpetrated by the Turkish armed forces. They are clearly incompatible with the provisions of the Charter of the United Nations and the norms of international law, and they constitute a breach of the principles governing relations of good-neighbourliness and of the 1926 Iraq-Turkey boundary agreement and represent a manifest threat to international peace and security.

The Turkish Government is trying to find pretexts and excuses for these acts of aggression, flimsy as they are, while it is that Government itself that is causing the creation of an anomalous situation in northern Iraq with its continued cooperation with the Governments of the United States of America and the United Kingdom in maintaining an unlawful no-flight zone.

As I have said in my previous letters, the Turkish Government bears full international responsibility for the acts of aggression it commits inside Iraqi territory and for all their consequences, regardless of the alleged reasons it gives.

The Government of Iraq reserves its legitimate right under international law to determine an appropriate response to this brutal military aggression and to seek compensation for the damage caused by these Turkish violations of Iraq's territory and airspace and for the human suffering inflicted on Iraqi citizens by these repeated acts of aggression.

At the same time, the Government of the Republic of Iraq renews its call to the Government of Turkey to reconsider its dangerous policy, which clearly contributes to perpetuating the anomalous situation in northern Iraq in cooperation with the Governments of the United States of America and the United Kingdom, of implementing a dangerous scheme for interference in the internal affairs of Iraq.

As, through you, I reiterate my country's call to Turkey to respect Iraq's sovereignty and territorial integrity, I express the hope that the United Nations will meet its responsibilities as laid down in the Charter and that it will halt the intimidation and aggression to which my country is constantly being subjected.

I transmit to you herewith a list of the Turkish assaults on Iraq's territory and people between 14 August and 9 October 1997.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

Enclosure

Turkish attacks on Iraqi territory, 14 August-9 October 1997

1. Between 0925 and 1005 hours on 14 August 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with two sorties. The violations were centred on the Amadiyah, Zakho and Batufah areas.

2. Between 1815 and 1830 hours on 17 August 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with two sorties. The violations were centred on the Batufah area.

3. Between 1925 and 1940 hours on 19 August 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with two sorties. The violations were centred on the Zakho and Batufah areas.

4. Between 1230 and 1320 hours on 20 August 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with six sorties. The violations were centred on the Amadiyah, Baibo and Aqrah areas.

5. Between 0810 and 0839 hours on 21 August 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with two sorties. The violations were centred on the Amadiyah area.

6. Between 0925 and 1005 hours on 14 August 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with two sorties. The violations were centred on the Amadiyah, Zakho and Batufah areas.

7. Between 1517 and 1522 hours on 23 August 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with one sortie. The violation was centred on the Amadiyah area.

8. Between 1225 and 1622 hours on 25 August 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with seven sorties. The violations were centred on the Irbil North, Koysanjaq North, Dukan dam, Aqrah, Sarsank, Rawanduz, Shaykhan, Batufah, Baibo and Amadiyah areas.

9. Between 0930 and 1654 hours on 26 August 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with five sorties. The violations were centred on the Amadiyah, Zakho, Sharanish and Baibo areas.

10. Between 1435 and 1500 hours on 28 August 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with four sorties. The violations were centred on the Zakho and Sharanish areas.

11. Between 1240 and 1602 hours on 1 September 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with two sorties. The violations were centred on the Zakho district.

12. Between 1535 and 1608 hours on 2 September 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with two sorties. The violations were centred on the Zakho area.

13. Between 1034 and 1125 hours on 3 September 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with two sorties. The violations were centred on the Amadiyah and Zakho areas.

14. Between 1203 and 1405 hours on 8 September 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with two sorties. The violations were centred on the Amadiyah area.

15. Between 1230 and 1300 hours on 10 September 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with four sorties. The violations were centred on the Amadiyah and Baibo areas.

16. Between 1223 and 1310 hours on 11 September 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with four sorties. The violations were centred on the Amadiyah and Baibo areas.

17. Between 1120 and 1447 hours on 15 September 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with two sorties. The violations were centred on the Amadiyah area.

18. Between 1420 and 1432 hours on 22 September 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with two sorties. The violations were centred on the Amadiyah area.

19. Between 1805 and 1815 hours on 24 September 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with one sortie. The violation was centred on the Amadiyah area.

20. Between 1147 and 1915 hours on 26 September 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with eight sorties. The violations were centred on the Amadiyah, Baibo and Zakho areas.

21. Between 1203 and 1405 hours on 8 September 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with two sorties. The violations were centred on the Amadiyah area.

22. Between 1700 and 1820 hours on 1 October 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with two sorties. The violations were centred on the Amadiyah and Baibo areas.

23. Between 1113 and 1912 hours on 2 October 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with 10 sorties. The violations were centred on the Amadiyah and Baibo areas.

24. Between 0648 and 1754 hours on 3 October 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with four sorties. The violations were centred on the Amadiyah, Baibo and Zakho areas.

25. Between 1000 and 1817 hours on 4 October 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with 10 sorties. The violations were centred on the Amadiyah, Baibo and Sharanish areas.

26. Between 0720 and 1745 hours on 5 October 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with 14 sorties. The violations were centred on the Amadiyah, Baibo and Zakho areas.

27. Between 1028 and 1735 hours on 6 October 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with 10 sorties. The violations were centred on the Amadiyah, Baibo, Aqrah, Shaykhan and Batufah areas.

28. Between 0658 and 1805 hours on 7 October 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with 26 sorties. The violations were centred on the Amadiyah, Baibo, Batufah, Shaykhan, Aqrah, Mosul Northwest, Tall Afar and Bi'aj areas.

29. Between 0800 and 1805 hours on 8 October 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with 18 sorties. The violations were centred on the Amadiyah and Baibo areas.

30. Between 0710 and 1000 hours on 9 October 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with four sorties. The violations were centred on the Amadiyah and Baibo areas.

31. Between 0632 and 0735 hours on 10 October 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with two sorties. The violations were centred on the Amadiyah and Baibo areas.

32. Between 1413 and 1615 hours on 11 October 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with four sorties. The violations were centred on the Amadiyah and Baibo areas.

33. Between 1545 and 1725 hours on 13 October 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with six sorties. The violations were centred on the Rawanduz, Amadiyah and Baibo areas.

34. Between 1527 and 1645 hours on 14 October 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with four sorties. The violations were centred on the Rawanduz, Koysanjaq, Amadiyah, Baibo and Irbil East areas.

35. Between 1106 and 1455 hours on 15 October 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with six sorties. The violations were centred on the Amadiyah, Baibo and Rawanduz areas.

36. Between 1025 and 1830 hours on 16 October 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with four sorties. The violations were centred on the Amadiyah, Baibo, Rawanduz, Aqrah and Koysanjaq areas.

37. Between 1228 and 1345 hours on 17 October 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with two sorties. The violations were centred on the Amadiyah and Baibo areas.

38. Between 0725 and 0800 hours on 19 October 1997 Turkish fighter aircraft violated the airspace of the Republic of Iraq with four sorties. The violations were centred on the Amadiyah and Baibo areas.

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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS TRANSITION MISSION IN HAITI

I. INTRODUCTION

1. The present report is submitted in the context of Security Council resolution 1123 (1997) of 30 July 1997, by which the Council established the United Nations Transition Mission in Haiti (UNTMIH) with a mandate limited to a single four-month period ending on 30 November 1997 in order to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police. In that resolution the Council requested me to include in a report on the implementation of the resolution, to be submitted no later than 30 September 1997, recommendations on the modalities of a peace-building presence following the end of the Mission's mandate on 30 November. On 29 September, my Special Representative, Mr. Enrique ter Horst, briefed members of the Security Council on the situation in Haiti and informed them that, in view of the prevailing circumstances, I would not be in a position to present such recommendations by 30 September. On that date, the President of the Council informed me (see S/1997/755) that the Council agreed with my intention to submit the report requested in resolution 1123 (1997) in late October.

2. The present report takes into account, in particular, the consultations held by the Under-Secretary-General for Peacekeeping Operations, Mr. Bernard Miyet, during his visit to Haiti from 13 to 15 October 1997. The report is also based on the ongoing consultations of my Special Representative with the Government of Haiti and on the views of the group of Friends of the Secretary-General for Haiti.

II. POLITICAL SITUATION

3. As I informed the Security Council in my last report (S/1997/564, para. 3), the Government of Prime Minister Rosny Smarth resigned on 9 June, following a long period of political turmoil and social unrest. In resigning, Mr. Smarth said tensions within the ruling Lavalas coalition had prevented him from implementing his policies. He also decried irregularities in the elections held on 6 April. On 25 July, President René Préval nominated Mr. Eric Pierre, the representative of Haiti at the Inter-American Development Bank, as Prime

Minister. As no agreement could be reached on electoral and economic issues, his candidacy was rejected by the Chamber of Deputies on procedural grounds on 26 August. On 20 October, Mr. Smarth announced his decision to cease acting in a caretaker capacity and called on the members of his Cabinet to do likewise. Haiti has not had a fully functioning Government for over four months. This power vacuum and pressing economic and social concerns have combined to produce a fragile situation in the country.

4. As will be recalled, allegations of fraud and other wrongdoing by electoral authorities and some political activists had marred the first part of the electoral process. On 8 May, the Chamber of Deputies called on the Provisional Electoral Council to refrain from publishing the results of the first round of the legislative elections until Parliament could issue a definitive interpretation (loi interprétative) of disputed articles in the electoral law. The Provisional Electoral Council had excluded blank ballots in calculating the absolute majority of votes, serving to hand outright victory to three candidates for Parliament running under the banner of Lafanmi (La Famille) Lavalas, led by former President Jean-Bertrand Aristide. On 5 August, the Chamber passed the loi interprétative, which ruled that blank ballots should be included. The Electoral Observation Mission of the Organization of American States (OAS/EOM), which had observed the electoral process at the request of the Government of Haiti, also expressed the view that the counting procedures employed by the Provisional Electoral Council had violated articles 108 and 109 of the Electoral Law.

5. On 18 August, the results of the first round of the partial legislative elections appeared in the official journal of the Government of Haiti, Le Moniteur, although Prime Minister Smarth had made it clear that he would not authorize the publication of the results and had called on the Provisional Electoral Council to refrain from publishing them. Some members of the Senate have pledged to prevent the new Senators from taking up their posts, on the grounds that they were improperly elected. At present, only 15 of the 27 seats in the Senate are occupied, one more than is necessary to reach a quorum and the absolute majority required for the final confirmation of a new prime minister.

6. As regards the local government elections, complementary elections in July and August were marred, according to OAS/EOM reports, by the same problems as in April: voter indifference; lack of advance popular education to promote voter awareness; poorly trained poll-watchers and poll-workers; and irregularities, including ballot-stuffing. The elections were called on extremely short notice, and participation generally did not exceed 2 to 3 per cent of the electorate. The Provisional Electoral Council has now completed the election of the first level of local assemblies, as well as the indirect elections for municipal and departmental assemblies, which will play a decisive role in selecting both judges and a permanent electoral council with a nine-year mandate. Concern has been expressed about the validity of the whole process and about the legitimacy of the institutions that would result from it.

7. On my instructions, my Special Representative informed the Haitian authorities on 19 August that the technical assistance of the United Nations to the Provisional Electoral Council had been suspended until the credibility and transparency of the electoral process were restored. Most political parties and

many other observers had questioned the independence of the Council - which was formed on 6 November 1996 following the resignation of members of the former Provisional Electoral Council - and its commitment to the integrity of the electoral process.

8. Seriously concerned about the continuing political stalemate, in particular the deepening electoral crisis, and in the belief that a dialogue would contribute to the consolidation of democracy and good governance in Haiti, I issued a statement on 22 August in which I urged Haitians to initiate such a dialogue in a spirit of tolerance and reconciliation, believing this to be the only way to resolve the differences that had led to the current impasse. On 2 July, the European Union (EU) also expressed its concern about the situation in Haiti, its hope that the Haitian people could soon participate in open, honest and transparent elections that offered a full range of opinions and choices, according to rules and procedures accepted by all, as well as its wish that a new Government be formed rapidly.

9. So far, President Préval's efforts to promote dialogue among the main political parties involved in the electoral dispute have not yielded concrete results. Far from getting closer through mutual concessions, the positions of the main Lavalas factions seem to have hardened in the last two months. The Organisation politique Lavalas and Lafanmi Lavalas have not met and no agreement has been reached on the three main contentious issues under consideration: elections, economic reforms and the appointment of a new prime minister. The "new direction for the economy" proposed by some involved in recent negotiations has not drawn wide support, nor have adequate steps been taken to reach out to those representing other political views.

10. The continuing crisis, which has seriously impeded the functioning of the Government, has eroded public confidence in the capacity of the authorities to solve the problems facing the country. In the view of many Haitians, the benefits that should have resulted from the return to constitutional rule are all too slow in coming and the State remains unresponsive to their concerns. Some Haitians also blame the international community for the current difficulties. Criticism of the international presence, in particular that of the peacekeepers, has recently increased, though it does not seem to be shared by the majority of the population. In that context, it is worth noting that in September the Chamber of Deputies adopted a provision demanding the departure of any "foreign armed corps" from Haiti. The judicial reform bill in which that provision was included is now before the Senate.

11. In earlier reports (see S/1995/614, S/1996/813 and S/1996/813/Add.1), my predecessor underlined the importance of encouraging the reintegration of former soldiers into society, following the dismantlement of the Forces armées d'Haïti and the Interim Police Force. For many months, the United Nations Support Mission in Haiti (UNSMIH) worked with the International Organization for Migration (IOM) and bilateral donors to craft a solution that would satisfy the ex-soldiers' legitimate financial claims. On 23 September 1996, following acts of violence attributed to disgruntled former members of the Forces armées d'Haïti, Prime Minister Smarth issued a statement reiterating the Government's commitment to fulfil its obligations to the former soldiers. On 11 August 1997, hundreds of former military personnel gathered in front of the Ministry of

Finance to demand their pensions. Following the incident, the United Nations Development Programme (UNDP) was requested to accelerate plans for a scheme providing credit for starting small businesses to former members of the Forces armées d'Haïti who had received IOM training. Victims of the de facto regime will also benefit from the scheme and from targeted community development projects.

III. DEPLOYMENT AND OPERATIONS OF THE UNITED NATIONS TRANSITION MISSION IN HAITI

12. In establishing UNTMIH, the Security Council decided that the Mission would be composed of up to 250 civilian police and 50 military personnel to form the headquarters of a security element. As at 15 October, the civilian police element of UNTMIH included 242 officers and its security element consisted of a 50-strong headquarters staff and 1,125 soldiers from Canada and Pakistan whose activities are financed exclusively by voluntary contributions from the Governments of Canada and the United States of America (see annex I). Officers from Argentina, Benin, Canada, France, India, Mali, the Niger, Pakistan, Senegal, Togo, Tunisia and the United States of America make up the civilian police element of UNTMIH, which was redeployed in July 1997 in keeping with the new mandate. The civilian police element is deployed in all nine départements, including six commissariats in the Port-au-Prince metropolitan area, the Haitian National Police headquarters and several specialized units.

13. It will be recalled that, in its resolution 1123 (1997), the Security Council decided that the security element, under the authority of the Force Commander, would ensure the safety and freedom of movement of those United Nations personnel implementing the mandate. On 19 August 1997, Prime Minister Smarth informed the United Nations that the status-of-forces agreement concluded for UNSMIH on 4 July 1997 would apply mutatis mutandis to UNTMIH and its personnel. It will also be recalled that, in my report of 19 July 1997 (S/1997/564, para. 37), I informed the Council that the primary task of the security element would be to support the activities of the United Nations civilian police and that some of its earlier tasks would be gradually discontinued. That element of UNTMIH is deployed exclusively in Haiti's capital city, Port-au-Prince, which it patrols, together with the rest of the country, with an emphasis on areas where the civilian police element is currently deployed. Although UNTMIH troops are gradually withdrawing their backing of the Haitian National Police and are no longer providing protection at the National Palace and the residence of former President Aristide, they remain able to provide protection should the need arise in any of those areas. Accordingly, the security element continues to collaborate with the civilian police element and the National Police in renovating police stations around the country. In addition, that element provided vital assistance to the Haitian authorities in the aftermath of the Montrouis ferryboat disaster, which occurred on 8 September and took over 150 lives.

14. During the reporting period, the civilian police element - in addition to monitoring the performance of the Haitian National Police and accompanying agents in their day-to-day duties - has been providing technical assistance to several specialized units of the National Police, in particular in matters

relating to crowd control, the rapid reaction force and investigations. It has also been providing assistance to the Directorate-General, the Inspector-General and National Police staff at each departmental headquarters. The aim of such assistance is to professionalize the force operationally, as well as through its institutional development. Operational support is provided by accompanying Haitian agents in their daily policing duties, providing material assistance and ongoing training. As the Haitian National Police has developed steadily in skills and self-confidence, the Mission's civilian police element has been serving increasingly as a back-up in especially difficult circumstances.

15. In the present phase of the Mission, training of the Haitian National Police at all levels continues to receive the highest priority. Training centres are being established in each of the nine départements, each with a group of specialists in six areas: crowd control; criminal investigation; collection and analysis of information and operations; traffic; personnel management; and management of resources. With corresponding coordinators at the national level, the departmental specialists are implementing uniform sequences of in-service training while working with Haitian instructors. Haitian counterparts should soon be appointed in each of the six areas. The specialists have recently focused on crowd control, maintaining police registries and investigation techniques. The Mission is working with bilateral donors to establish curricula for basic training for new agents and the two levels of officers known as inspecteurs and commissaires. Of late, the civilian police element has provided instruction to border guards and traffic agents in management techniques, as well as to rank-and-file force members seeking to qualify as officers. During the reporting period, simulation exercises for crowd control units have intensified in major urban centres around the country, providing much needed on-the-job training. UNTMIH is facilitating exercises designed to reinforce rapid reaction capabilities of the Haitian National Police by providing helicopters. Members of the police element have in addition been reviewing the practices of the rapid intervention team to ensure its adherence to Haitian law and the spirit of civilian policing.

16. In preparation for the transition, the Mission has emphasized the training of three of the specialized units of the National Police - crowd control, rapid reaction force and Palace security - which are of distinct importance for future stability. Now reinforced, those units should considerably improve the force's effectiveness while it pursues its own development. In the time remaining, the Mission will work closely with the National Police to complete the redeployment of the force speedily and to purge it of all those unsuitable to serve.

17. The Mission and UNDP have continued to prepare for a technical assistance programme designed to provide the Haitian National Police with top-level law enforcement expertise over the next three years. The programme is financed by contributions to the voluntary fund established under Security Council resolution 975 (1995), which now total over $2.5 million. Five experts, from Benin, France and Mali, have so far begun work at the Directorate-General and 8 more will soon be in place, with a final goal of 50 advisers. Canada and France have both pledged to send 15 advisers and additional members are expected from Argentina and the United States of America. Until the end of the mandate of UNTMIH, the programme's activities will be closely coordinated with those of the Mission's military and civilian police elements.

IV. HAITIAN NATIONAL POLICE

18. Members of the Security Council will recall that UNSMIH conducted several diagnostic studies using criteria listed by my predecessor in his report of 12 November 1996 (S/1996/813/Add.1, para. 20). Such studies aimed to track progress in the development and consolidation of the Haitian National Police and to pinpoint problem areas that then became the focus of concerted attention. Likewise, UNSMIH/UNTMIH and the joint OAS/United Nations International Civilian Mission in Haiti (MICIVIH) have conducted three studies on justice, the police and prisons, in July 1996 and in January and July 1997, respectively. Using the same methodology, the three studies allow for a comparative approach to monitor the development of the police and facilitate the structuring of the Mission's own work.

19. The most recent examination of the development of the Haitian National Police has revealed progress in some key areas, but also a wide variation among the nine départements, which can be attributed for the most part to differences in the leadership provided. The départements of North-West, North-East and South-East have made great strides organizationally and operationally, as well as in instilling discipline in the corps. In other sections of the country, however, human rights violations and abuse of authority by the police are on the rise, and some officers have even allowed the force to become politicized. Since the investigative capacity of the National Police remains rudimentary at best, UNTMIH and bilateral donors have mapped out a training sequence for members of the police judiciaire. Elsewhere, efforts are being made to hone and codify the division of labour between the police agent, who generally begins the criminal investigation, and the investigating judge (juge d'instruction), who continues and oversees the investigatory process.

20. A recent survey of the Haitian National Police has revealed that the main command centre at headquarters (Centre de renseignement et d'opérations) has made significant progress in the last six months and has achieved most of its goals. A major redeployment of the force based on population patterns and the incidence of crime is now some 75 per cent complete. It remains to ensure an equitable and rational distribution of resources such as vehicles and telecommunications equipment. Police in outlying areas in particular are seriously hamstrung by the lack of resources. Rural station houses often lack water, electricity and other basic amenities. The lack of an adequate police presence in some remote areas has prompted some citizens to form vigilante brigades, which is especially worrisome in view of the proliferation of weapons. Also of concern is the development of private security agencies, which are largely tolerated but not controlled by the authorities, some of which field their own forces outside the control and command of the Haitian National Police.

21. Little has been achieved towards establishing a database on equipment and personnel. In view of the end of the mandate of UNTMIH, the Haitian National Police should redouble efforts to train and consolidate the specialized units and to promote the concept of community policing. Without an appropriate public security model, citizens and police alike sometimes fall back into old patterns of behaviour that are unsuitable to a civilian force respectful of people's rights and at the service of the community. In that context, while the efforts of the office of the Inspector-General are to be commended, they should be

widened as soon as possible in view of serious allegations of wrongdoing within the National Police.

V. SYSTEM OF JUSTICE

22. The "audit" conducted in July 1997 highlighted the widening gap between the increasing consolidation and professionalization of the Haitian National Police and the lack of any such development in the justice sector. As National Police agents become better at overseeing the initial stages of criminal cases, the lack of follow-up by the courts has given rise to severe frustration and, in some cases, has resulted in civilians and police alike administering summary "justice". Once forwarded to the courts, cases generally stagnate, with no further investigation taking place, leading to lengthy periods of pre-trial detention and prison overcrowding. While the diagnostic study conducted in January recorded progress in collaboration among the institutions responsible for the administration of justice, that progress has all but halted in the last six months. MICIVIH has continued to promote dialogue at the local level, but few steps have been taken to institutionalize the links between justice sector professionals and the police. The matter is left largely to the goodwill of the individuals concerned and in some places cooperation was even found to have deteriorated.

23. In August, MICIVIH released a comprehensive report on the Haitian penal system, which it found to have improved since the creation of the prison authority, the Administration pénitentiaire nationale. Considerable progress has been made in the treatment of prisoners and in health and sanitary conditions. Some prisons have been renovated and the first phase of the rehabilitation of the national penitentiary is now complete. However, as noted above, prison overcrowding remains a serious concern, as does the lack of adequately trained prison guards. A project to promote prison reform funded jointly by France, the United States of America and UNDP, is now completing its second phase. Six Haitian educators have been trained in Canada and Haiti to prepare prison guards to meet the demands of a growing prison population.

24. My predecessor and I have repeatedly urged that judicial reform be made a matter of utmost priority by the Government of Haiti in the belief that the rule of law is a fundamental building block of a democratic system. Further delays in judicial reform would jeopardize what has been achieved with the Haitian National Police as well as the development of the country. While MICIVIH and several donors, in particular Canada, France and the United States of America, are working in the justice sector, reform efforts lack strong leadership and clear direction. A commission mandated to craft a global strategy for judicial reform has been slow in completing its task, despite technical assistance from MICIVIH and substantial funding from EU. Framework legislation on judicial reform is still under consideration by Parliament. Even proposed measures that require little or no additional resources have not been implemented. Clearly, work on the justice sector must continue to be a major focus for the Government of Haiti and for the international community in the years to come.

VI. DEVELOPMENT ACTIVITIES

25. Haiti's economy remains in the doldrums. Average per capita income has been stagnant in the past 12 months. The impulses expected from increased government expenditures and public investments financed by international cooperation have not materialized. The 1996/97 budget was presented late and delayed further by Parliament, which approved it seven months into the fiscal year, leading to expenditures below those envisaged. The new fiscal year began on 1 October, once again without a budget finalized and approved in Parliament, which is likely to result in the same deleterious effects as in 1996. In fiscal 1996/97, some of the conditions on external financing were not fulfilled, leading to delays in disbursements and even losses. Political uncertainty, which entails the possibility that a new Government might modify the economic programme, is making private investors hesitant. Only the construction sector and commerce have achieved some momentum, but this is insufficient to pull the whole economy forward.

26. Macroeconomic balances - fiscal budget, monetary aggregates, international payments - have been satisfactory up to the present. This notwithstanding, since mid-year there has been a slight acceleration of inflation and a small devaluation of the gourde. On the fiscal side, pressures are accumulating as large wage increases come due for public school teachers and, eventually, for public health employees. Unless resources are redirected from other sectors to satisfy those increases - or unless there is a compensatory tax hike - the 1997/98 budget should prove inflationary.

27. While international financial commitments remain high, disbursements have fallen in relation to previous years. The outlook for bilateral and multilateral assistance is good in the short term, but "donor fatigue" could develop in the medium term. Moreover, after the emergency period, Haiti will increasingly have to compete with other countries in a similar situation for a diminishing pool of official resources.

28. By way of building a blueprint for the country's development, UNDP has sponsored the "Haiti 2012" initiative in collaboration with two Haitian non-governmental organizations. Two seminars have been held and the third and final gathering, scheduled for November, will draw some 250 Haitian participants who will define some 30 economic, social, and institutional objectives. What emerges from the process should serve as a blueprint for national and international development efforts.

29. The incipient efforts of the Government of Haiti to fight the traffic and consumption of illegal drugs should be intensified, becoming an integral part of efforts for reform in law enforcement, justice, modernization and education, in particular initiatives targeting the country's youth. The United Nations International Drug Control Programme and UNDP are ready to facilitate increased government efforts, in particular to develop a legal framework, limit usage, train professionals working in the field, strengthen the subregional approach in the fight against illegal drugs and facilitate the dialogue between national authorities and members of the Dublin Group. The International Drug Control Programme has proposed a $500,000 pilot project to reduce demand, including prevention, treatment and rehabilitation, which contemplates increased

cooperation with the Government and relevant private institutions. Other United Nations programmes and agencies, such as the United Nations Children's Fund, the United Nations Population Fund and UNDP have also planned much needed future programmes in Haiti.

30. Keenly aware of its role in the next period, UNDP has begun retooling its office in Haiti to meet the needs arising from a possibly expanded programme. With assistance from UNDP headquarters, steps have been taken to reinforce human resources at the local level. New international staff have recently been recruited to oversee all aspects of post-conflict development projects. Training of staff in different areas will remain a priority. Adequate infrastructure, including new telecommunications equipment, for the additional tasks is already being planned for.

VII. OBSERVATIONS

31. Haiti has not had a fully functioning Government for more than four months. Efforts are currently under way to find a solution to this political crisis. It is hoped that they will soon lead to a compromise between the two main factions of the ruling Lavalas movement on the pending electoral and economic issues. As local elections have now been completed, many fear that the establishment of a Permanent Electoral Council whose legitimacy, if not legality, would be questioned by most political parties would deal a serious blow to the democratic process in Haiti and open another period of instability.

32. Clearly, the Permanent Electoral Council must be acceptable to all political forces if subsequent elections, including the November 1998 legislative and local elections, are to be credible and result in the creation of unchallenged democratic institutions. I therefore reiterate my call to the Haitian authorities and political leaders to negotiate in a spirit of tolerance and reconciliation, with a view to reaching an agreement that will allow their country to start moving again towards democracy and development.

33. The current political stalemate is having negative repercussions on economic activity. However, despite growing popular discontent, fuelled in particular by a steady rise in the prices of basic commodities, it is generally felt that the situation remains relatively stable. Given the absence of a military threat against the authorities, it is intended that the military element of UNTMIH will end its mission and leave the country at the end of the current mandate.

34. In this context of political uncertainty, international assistance beyond November should focus on strengthening the existing institutions, including the Haitian National Police and the justice system, restoring the people's trust in future electoral processes and supporting economic and social development.

35. The Haitian authorities believe that the joint OAS/United Nations International Civilian Mission has made a useful contribution to the consolidation of democratic institutions and the establishment of a democratic culture in the country and that it should be extended with its current institution-building and human rights mandate. In this connection,

consideration should be given by the United Nations General Assembly, in consultation with OAS, to the possibility of increasing the number of MICIVIH technical advisers, particularly in the area of judicial reform.

36. The United Nations Development Programme should also continue its programmes to strengthen good governance and central and local institutions, including Parliament, various ministries and the penitentiary administration, and to promote interaction between the Government and civil society. Close collaboration will be required between MICIVIH and UNDP, so that UNDP may be prepared to carry out the Mission's institution-building activities, perhaps in cooperation with OAS, once the joint mission has ended.

37. The Organization of American States and the United Nations should also be prepared to provide electoral assistance to the Haitian authorities, at their request, and if the necessary conditions for democratic elections are fulfilled. Given the crucial importance of the November 1998 elections, it is hoped that a consensus will soon be reached on an electoral council, which would be established in time to implement a number of technical measures that would ensure the fairness of the process, including setting up a strong national and international observation mechanism.

38. Finally, assistance to the development of Haiti should continue, despite the current political difficulties, the uncertainties surrounding the economic programme of the Government and the frustrations born from the low absorptive capacity of the country. Efforts to achieve a consensus among the key forces in the country on a long-term strategy for sustainable development, such as the "Haiti 2012" initiative, should also be actively pursued.

39. As for the Haitian National Police, while it is developing well and the three key specialized units relating to crowd control, Palace security and rapid reaction force have been established, it is my considered opinion that in the political and economic climate prevailing in Haiti, the National Police will need international assistance if it is to continue to pursue its own institutional development while meeting the country's increasing security needs.

40. In the light of President Préval's request of 29 October for continued United Nations assistance to the Haitian National Police (see annex II), I have already approached the Governments of several Member States to establish whether they might be willing, under appropriate security arrangements, to place the necessary personnel at the disposal of the United Nations, should the Security Council decide to establish in Haiti a follow-on mission whose main task would be to support the Haitian National Police and further contribute to its professionalization. I shall revert to the Council in due course to inform members of the outcome of my consultations and, if it appears that the necessary resources will be forthcoming, to place before them, for the Council's decision, a proposal concerning such a mission, including a statement of the related financial implications.

41. The UNDP technical assistance project for the Haitian National Police will continue to provide the National Police with high-level expertise in specialized areas. I, therefore, reiterate my call to Member States to contribute

generously to the trust fund for the Haitian police, through which this project is financed.

42. In concluding the present report, I wish especially to express my gratitude to my Special Representative, Mr. Enrique ter Horst, who will be relinquishing his functions on 30 November 1997, for his professional and dedicated leadership of the United Nations efforts to promote peace, stability and the strengthening of democratic institutions in Haiti. I also wish to commend the commanders of the military and civilian police elements, as well as the international and local staff of UNTMIH, for their outstanding work in support of democracy in Haiti.

Annex I

Composition and strength of the military and civilian police elements of the United Nations Transition Mission in Haiti as at 15 October 1997

Nationality	Military police		Civilian police
	United Nations assessed headquarters	Voluntarily funded	
Argentina			5
Benin			10
Canada	31	600	58
France			47
India			6
Mali			47
Niger			5
Pakistan	19	525	
Senegal			10
Togo			7
Tunisia			4
United States of America			43
Total	50	1 125	242

Annex II

[Original: French]

Letter dated 29 October 1997 from President René Préval to the Secretary-General

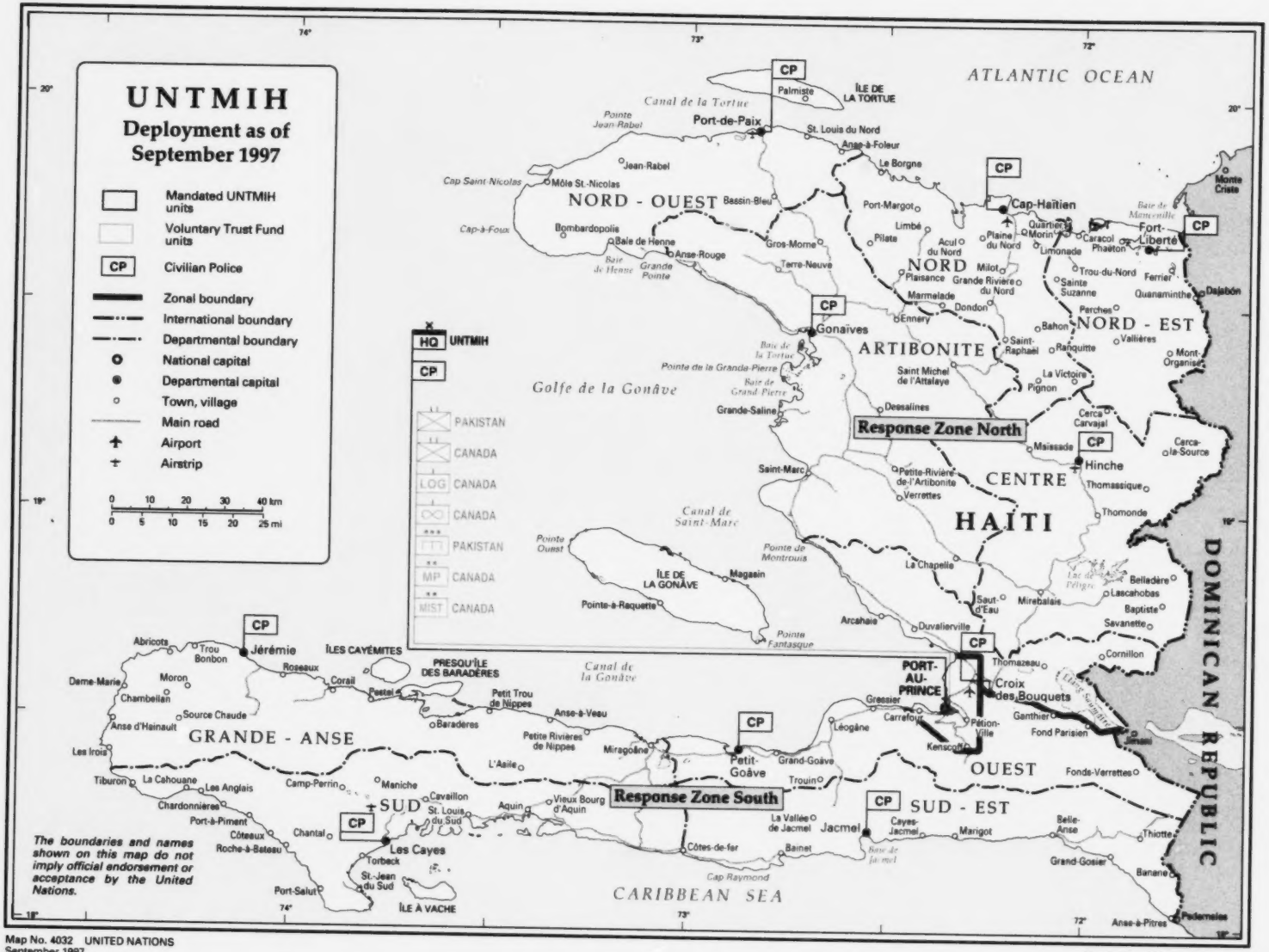
The United Nations has been a determining factor for stability and security in Haiti, especially by participating in the training and professional development of Haiti's national police force. At this time, when the last of its missions with a military component is drawing to a close, I wish to thank the United Nations very sincerely for the invaluable contribution it has made to the consolidation of Haitian democracy.

Today, we can calmly contemplate the departure of all the United Nations military forces. However, it is important to continue working to strengthen our police force, which has been in action for only two years, especially in the matter of personnel management and matériel, and the training of specialized corps to combat the growing insecurity, banditry and drug trafficking.

Accordingly, the assistance of a civilian police mission to support the training of police would ensure that this institution, indispensable to the establishment of a State truly under the rule of law, can develop in a balanced way, smoothly and quickly.

I am confident that Haiti will be able to continue to count on United Nations support in this new stage of its effort at national reconstruction.

(Signed) René PRÉVAL



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31 October 1997

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LETTER DATED 31 OCTOBER 1997 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward herewith a copy of a letter which I have received today from Mr. Hans Blix, Director General of the International Atomic Energy Agency. In accordance with the request contained therein, I would be grateful if you could bring the letter to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

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Annex

Letter dated 31 October 1997 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General

As you will be aware, the International Atomic Energy Agency (IAEA) has suspended its monitoring activities in Iraq as of 29 October 1997. This suspension of activities was in immediate response to a letter of the same date addressed to the President of the Security Council by the Deputy Prime Minister of Iraq, Mr. Tariq Aziz (S/1997/829, annex), in which he announced, inter alia, that Iraq would not "deal with Americans working with the Special Commission". Similar action was taken by the Special Commission.

On 30 October 1997, Mr. Garry Dillon, the head of the IAEA Action Team for Iraq, sent notification to Iraq that he considered it to be inappropriate, under the prevailing circumstances, to proceed with his visit to Iraq, planned for 4 to 7 November 1997.

Iraq immediately responded that it found the decision not to proceed with the visit surprising and further stated that it should be recognized that "the Government of Iraq wishes IAEA to continue its work normally and to perform all its planned functions". Iraq's response further stated that "all IAEA staff, inspectors and experts will be welcomed as usual" and went on to state that "there is no reason whatsoever to suspend any IAEA activities in Iraq".

It remains my view that, in the specific context of the resolutions on Iraq, IAEA and the Special Commission act as organs of the Security Council and, although having distinct technical responsibilities, contribute to a common objective. Under these circumstances it is essential that IAEA and the Special Commission shall have a common approach and for the time being IAEA will continue to suspend the practical implementation of its ongoing monitoring and verification plan.

Mr. Dillon's visit to Iraq is similarly deferred.

I request that you bring the foregoing to the attention of the Security Council.

(Signed) Hans BLIX
Director General
International Atomic Energy Agency